

BOB FILNER  
51ST DISTRICT, CALIFORNIA

VETERANS' AFFAIRS COMMITTEE  
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE  
COMMITTEE

AVIATION

HIGHWAY AND TRANSIT

WATER RESOURCES AND ENVIRONMENT



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

2428 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TEL: (202) 225-8045  
FAX: (202) 225-9073

333 F STREET, SUITE A  
CHULA VISTA, CALIFORNIA 91910  
TEL: (619) 422-5963  
FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D  
IMPERIAL, CALIFORNIA 92251  
TEL: (760) 355-8800  
FAX: (760) 355-8802

website: www.house.gov/filner

July 15, 2009

John H. Robertus  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, # 100  
San Diego, CA 92123

2009 JUL 16 P 2:00

SAN DIEGO REGIONAL  
WATER QUALITY CONTROL BOARD

Dear John:

We are writing on a matter of significant importance to residents in the South County. As the members of the elected delegation representing South County communities, we are writing to express our concerns and opposition to the proposed five-year extension of the South Bay Power Plant (SBPP) discharge permit into the San Diego Bay.

When the San Diego Regional Water Quality Control Board (Board) renewed the water discharge permit in 2004, we understood that this would be the last time it would grant a renewal. Therefore, we did not object to the permit application.

In 2004, the Board granted the operators a waste discharge permit, which included very lenient conditions that allowed the power plant to continue to operate. It did not require mitigation of known impacts, it did not require Best Available Technology for cooling, and it even allowed the operators three years to come into compliance with the copper standards. With the latest application to renew the water discharge permit, the South County faces five more years of degradation to our Bay, negative impacts to the environmental health of our communities; and continued restrictions to economic development on the bayfront.

The Board's regulations require that permitted water discharge complies with the law and that beneficial uses of San Diego Bay not be unreasonably affected. In the 2004 permit fact sheet, discharge from SBPP degraded the bay's beneficial uses, its intake and discharge structures failed to reflect best technology available, and mitigation for the damage deemed necessary.

John H. Robertus  
July 15, 2009  
Page 2

Since 2004, there have been several legislative and legal decisions made that have implications to any future operation of the power plant's cooling system. In considering the 2009 permit renewal, it should be noted that the operator has yet to address these issues, and has not included proposals in their 2009 application to eliminate the water cooling impacts to San Diego Bay such as changes to include best technology, or commitment to a date to cease operation of the power plant.

While considering any economic impacts of granting this permit, please note that the presence of the power plant has undermined decades of effort to redevelop the Chula Vista Bayfront with quality development. The original agreement tied the purchase of SBPP to a ten year lease term and the repayment of bonds for purchase of the SBPP.

It was widely understood that the ten year timeframe would be sufficient enough for the Otay Mesa Generating Station located in Otay Mesa, San Diego to be permitted and constructed. The bonds are paid and the new plant should be on-line during the fall of this year.

The lease for the power plant site is set to expire in November 2009 with the discharge permit set to expire the same month. We urge the San Diego Regional Water Quality Control Board to reject this permit application for another five-year renewal.

Thank you for your attention to this matter.

Sincerely,



**Bob Filner**  
U.S. Congressman, 51<sup>st</sup> District



**Denise Moreno Ducheny**  
State Senator, 40<sup>th</sup> District

John H. Robertus  
July 15, 2009  
Page 3



**Marty Block**  
State Assemblymember 78th District



**Mary Salas**  
State Assemblymember, 79<sup>th</sup> District



**Greg Cox**  
San Diego County Supervisor, District 1



**Steve Castaneda**  
Chula Vista City Councilmember



**Pamela Bensoussan**  
Chula Vista City Councilmember



**Ben Hueso**  
San Diego City Councilmember, District 8

BF/jg  
2512915